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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,830	09/10/2003	Mazen Chmaytelli	010157	5960
23696	7590	08/04/2005	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			TRINH, SONNY	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/659,830

**Applicant(s)**

CHMAYTELLI ET AL.

**Examiner**

Sonny TRINH

**Art Unit**

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. **Claims 10, 27, 41** are objected to because of the following informalities:

In all 3 claims above, the term "...wherein the second is a time period..." should be changed to "...wherein the second **setting** is a time period..."

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-3, 6-11, 14-19, 23-29, 31-34, 37-43** are rejected under 35 U.S.C. 102(e) as being Jiddou by ("Jiddou"; U.S. Patent Application Publication 2004/0266392).

Regarding **claim 1**, with reference to figures 1-2, Jiddou discloses a method for tracking use of an application on a wireless device (abstract, see figure 2), wherein the wireless device being capable of communicating with a server through a wireless communication network (figure 1, see description), comprising the steps of:

receiving a subscription request for the application from a user (figure 2, block 205) in response to the subscription request, establishing a subscription plan for the user, wherein the subscription plan includes available resource information (these steps are inherent since this is the prepaid plan, there is an agreement between the user and the service provider); receiving a request for use of an application from the wireless device (inherent); adjusting the available resource information according to the use of the application (figure 2, block 215); and transmitting the available resource information to the wireless device (see abstract, see also summary of the invention).

Regarding **claim 2**, Jiddou further teaches wherein the application is a wireless communication application (see figure 1) and the step of receiving a request for use of an application from the wireless device further comprises the steps of: receiving a connection request to a destination telephone number from the wireless device (see figures 1-2 and descriptions); connecting the wireless device to the destination telephone (inherent since this is a calling plan); and recording a connection time for a duration of the wireless device being connected to the destination telephone (figure 2, blocks 220).

Regarding **claim 3**, Jiddou further teaches the step of adjusting the available resource information according to the use of the application further comprises the step of subtracting the connection time from the available resource information (figure 2, block 220).

Regarding **claim 14**, Jiddou discloses a method for tracking use of an application on a wireless device (abstract, see figure 2), wherein the wireless device being capable

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of communicating with a server through a wireless communication network (figure 1, see description), comprising the steps of:

receiving a subscription plan information for the application (figure 2, block 210); in response to the subscription plan information received, establishing a subscription plan for a user (figure 2), wherein the subscription plan includes an available resource information; receiving a request for activating the application (figure 2, block 205); in response to the request for activation, activating the application (inherent); in response to activating the application, adjusting the available resource information to reflect the activation of the application (figure 2, block 220); and displaying the available resource information to the user (inherent) (see [0007] – [0008], [0029] – [0032] for detail descriptions.

Regarding **claim 15**, Jiddou further teaches the step of receiving a subscription plan information further comprises the steps of: connecting to the server; and receiving the subscription plan information from the server (figure 2 and description).

Regarding **claim 16**, Jiddou further teaches the step of receiving a subscription plan information further comprises the step of receiving the subscription plan information from the user (figure 2 and description).

Regarding **claim 17**, Jiddou further teaches that the application is a wireless communication application and the step of receiving a request for activating the application further comprises the step of receiving a destination telephone number (abstract, [0007] – [0008], figure 2).

Regarding **claim 18**, Jiddou further teaches the steps of: connecting the wireless device to the server; and requesting the wireless device to be connected to a device associated with the destination telephone number (figure 1 and description).

Regarding **claim 19**, Jiddou further teaches the step of adjusting the available resource information to reflect the activation of the application further comprises the steps of: recording a connection time for a duration of the wireless device being connected to the device associated with the destination telephone number; and subtracting the connection time from the available resource information (figure 2, blocks 220, 240, [0032]).

Regarding **claims 6 and 23**, with reference to figure 2 and description, Jiddou further teaches the steps of: receiving a first setting for a first threshold (figure 2, block 205); comparing the available resource information against the first setting (figure 2, block 220); and if the available resource information is less than or equal to the first setting (figure 2, blocks 220, 240), providing a notification to the user (inherent).

Regarding **claims 7 and 24**, Jiddou further teaches that the first setting is a time period (figure 2, block 225).

Regarding **claims 8 and 25**, Jiddou further teaches that the first setting is a money amount (inherent since the user purchase a one time calling unit package, see figure 2, block 250).

Regarding **claims 9, 26, 37 and 40**, Jiddou further teaches the steps of: receiving a second setting for a second threshold (figure 2, blocks 225, 226); comparing the connection time against the second setting (block 225); and if the connection time is

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greater than or equal to the second setting, providing a notification to the user (inherent, see also blocks 245, 250).

Regarding **claims 10, 27, 38 and 41**, Jiddou further teaches that the second setting is a time period (figure 2, blocks 225, 245).

Regarding **claims 11, 28, 39 and 42**, Jiddou further teaches that the second setting is a money amount (inherent, the calling units are equated to the money amount, see block 240).

Regarding **claims 29 and 43**, Jiddou further teaches the steps of: comparing a current date with a predetermined date; and if the current data matches the predetermined date, resetting the available resource information to a default value (figure 2, blocks 225, 230, 235).

Regarding **claim 31**, this claim merely reflect the apparatus for performing the method steps of claim 14 and is therefore rejected for the same reasons.

Regarding **claim 32**, this claim merely reflect the computer program necessary for performing the method steps of claim 14 and is therefore rejected for the same reasons.

Regarding **claim 33**, Jiddou further teaches that the application is a wireless communication application (see figure 1 and description) and the step of receiving a request for use of an application from the user further comprises the steps of: receiving a connection request to a destination telephone number from the user (figure 1); connecting a computing device to the destination telephone number (figure 1); and

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recording a connection time for a duration of the computing device being connected to the destination telephone number (figure 2).

Regarding **claim 34**, Jiddou further teaches the step of adjusting the available resource information according to the use of the application further comprises the step of subtracting the connection time from the available resource information (figure 2, block 220).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 4-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. ("Wise"; U.S. Patent Number 5,826,185) in view of Kim ("Kim"; U.S. Patent Number 6,785,561).

Regarding **claim 4**, Wise discloses the invention but does not disclose that the application is a game application and the step of receiving a request for use of an application from the wireless device further comprises the steps of: receiving a connection request to a selected game from the wireless device; connecting the wireless device to the selected game.

In an analogous art, Kim teaches the method for implementing network game function using portable telephone (abstract). Kim further teaches the steps of receiving



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a connection request to a selected game from the wireless device (figure 5, column 4 lines 31 to line 58 of column 5); connecting the wireless device to the selected game (figure 5, column 4 lines 31 to line 58 of column 5). Kim, however, does not disclose the step of recording a connection time for a duration of the wireless device being connected to the selected game. Since Wise already teaches the steps of recording the connection time for accounting purposes (abstract, column 1 line 58 to column 2 line 39), it would have been obvious and well within the level of a person of ordinary skill in the art at the time the invention was made to combine the game playing method of Kim, to the system of Wise, in order to provide the users with entertaining applications that should be more attractive to customers.

Regarding **claim 5**, Wise further teaches the step of adjusting the available resource information according to the use of the application further comprises the step of subtracting the connection time from the available resource information (abstract, column 2, specifically lines 8-21).

4. **Claims 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. ("Wise"; U.S. Patent Number 5,826,185).

Regarding **claim 12**, Wise discloses the invention but does not disclose the steps of: comparing a current date with a predetermined date; and if the current data matches the predetermined date, resetting the available resource information to a default value. However, resetting a data to the default value is well known and widely use and the Examiner takes Official Notice of such use. The motivation for resetting a data value to

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the default value is for the benefit of the service provider, by resetting data to a default value, the service provider does not have to honor the credit once it is expired.

Regarding **claim 13**, Wise discloses the invention but does not disclose the steps of comparing a current date with a predetermined date; and if the current data matches the predetermined date, archiving the usage information. However, archiving a usage information is well known and widely use and the Examiner takes Official Notice of such use. The motivation for archiving the usage information is for record keeping once the data are not likely to be changed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 30, 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiddou by ("Jiddou"; U.S. Patent Application Publication 2004/0266392).

Regarding **claims 30 and 44**, Jiddou discloses the invention but does not disclose the steps of comparing a current date with a predetermined date; and if the current data matches the predetermined date, archiving the usage information. However, archiving a usage information is well known and widely use and the Examiner takes Official Notice of such use. The motivation for archiving the usage information is for record keeping once the data are not likely to be changed.

6. **Claims 20-22, 35-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiddou by ("Jiddou"; U.S. Patent Application Publication 2004/0266392) in view of Kim ("Kim"; U.S. Patent Number 6,785,561).

Regarding **claims 20-21, and 35** Jiddou discloses the invention but does not disclose that the application is a game application and the step of receiving a request for use of an application from the wireless device further comprises the steps of: receiving a connection request to a selected game from the wireless device; connecting the wireless device to the selected game.

In an analogous art, Kim teaches the method for implementing network game function using portable telephone (abstract). Kim further teaches the steps of receiving a connection request to a selected game from the wireless device (figure 5, column 4 lines 31 to line 58 of column 5); connecting the wireless device to the selected game (figure 5, column 4 lines 31 to line 58 of column 5). Kim, however, does not disclose the step of recording a connection time for a duration of the wireless device being connected to the selected game. Since Wise already teaches the steps of recording the connection time for accounting purposes (abstract, column 1 line 58 to column 2 line 39), it would have been obvious and well within the level of a person of ordinary skill in the art at the time the invention was made to combine the game playing method of Kim, to the system of Jiddou, in order to provide the users with entertaining applications that should be more attractive to customers.

Regarding **claims 22 and 36**, Jiddou further teaches the step of adjusting the available resource information to reflect the activation of the application further

comprises the steps of: recording a connection time for a duration of the wireless device being connected; and subtracting the connection time from the available resource information (figure 2 and description, see also [0029] – [0032]).

### CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny TRINH whose telephone number is 571-272-7927. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester KINCAID can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/28/05

  
**SONNY TRINH**  
**PRIMARY EXAMINER**